

## **EXHIBIT 4**

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2 SUPREME COURT OF THE STATE OF NEW YORK  
3 COUNTY OF SUFFOLK: PART 48  
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4 IN RE: OPIOID LITIGATION

5  
6 INDEX NO.: 400000/2017

7  
8 August 18, 2020  
9 Central Islip, New York  
-----x

10 MINUTES OF FRYE HEARING  
(Testimony of James Rafalski

11 B E F O R E: HON. JERRY GARGUILLO  
12 Supreme Court Justice

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Opioid Frye Hearing

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and giving that answer at your deposition?

3

A I don't specifically recall it, but I  
don't dispute the deposition record.

5

Q. Do you dispute the truth of that  
statement?

7

A Yes, sir.

8

Q. You do dispute the truth of that  
statement that you made?

10

A I do not. I'm sorry.

11

Q. Okay. And you looked at his testimony.  
Do you see the part of his testimony where he said,  
I probably would come up with 5 or 10 different  
small decisions that needed to be made in order to  
operationalize it? Did you see that portion of his  
testimony?

17

A I don't specifically recall that.

18

Q. Okay. Do you know what the 5 to 10  
decisions he had to make to be able to perform his  
Method A calculation that you relied on? Do you  
know what those 5 to 10 decisions were?

22

A No, sir.

23

Q. So not knowing how he took the data and  
made the 5 to 10 decisions, you don't know how far  
of a gap there is between his outputs and that